

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:03CR
)	
EDMUND A. MATRICARDI, III,)	18 U.S.C. § 2511(1)(a)
)	Interception of Wire Communication
Defendant.)	(Counts 1, 4, and 5)
)	
)	18 U.S.C. § 2511(1)(c)
)	Disclosure of Intercepted
)	Wire Communication
)	(Counts 2 and 3)

INDICTMENT

JANUARY 2003 TERM - AT RICHMOND

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Interception of Wire Communication)

At all times relevant to this Indictment:

Introduction

1. The defendant, EDMUND A. MATRICARDI, III, was an attorney and the Executive Director of the Republican Party of Virginia (RPV), whose offices were located at 115 East Grace Street, Richmond, Virginia.

Background

_____2. On or about June 6, 2001, 46 Democratic complainants filed a lawsuit in the Circuit Court of the City of Salem, challenging a plan enacted by the Republican-controlled Virginia

General Assembly that created new electoral districts for the General Assembly. On or about March 11, 2002, Salem Circuit Judge Richard Pattisall found in favor of the plaintiffs, and enjoined all elections pending the enactment, and signing by the Governor, of a new redistricting plan. A dispute ensued about whether the Commonwealth of Virginia would appeal the decision.

3. After the March 11 redistricting decision, MATRICARDI sent Jane Doe, a person associated with the Democratic Party, at least two e-mail messages setting forth RPV's position regarding the redistricting decision. Jane Doe shared one of the messages with John Doe, a former campaign manager for a Democratic delegate.

4. To help formulate the Democratic legal and political strategy regarding the redistricting issue, on Wednesday, March 20, 2002, the Executive Director of the Democratic Party sent an announcement by e-mail and fax to "Democratic General Assembly Members" about an in-person Joint Democratic Caucus meeting at 4:00 p.m. on Friday, March 22, 2002. The announcement stated that:

[t]he meeting will specifically discuss our legal options, the timeline, and the procedure for drawing new maps. Our meeting will include a briefing by the Caucus attorneys. ***Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate.*** (Emphasis in original.)

5. By the afternoon of Thursday, March 21, the Executive Director of the Democratic Party and others had decided that there would be a "Joint Democratic Conference Call" using an interstate conference calling service in Texas rather than an in-person meeting. Therefore, at 4:32 p.m. the Executive Director sent out another announcement by e-mail and fax to "Democratic General Assembly Members." It listed the dial-in telephone number and the Participation Code, which allowed access to the conference call. The announcement also contained the following

warning:

Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate. There will be a roll call taken at the beginning of the call. If you join after the conference has started, please state your name so we will know that you have joined. (Emphasis in original.)

It also described the agenda as including, “Legal Lay-o f-the-land . . . Political Lay of the land . . . [and] . . . Summary of the decisions/Where do we go from here?” The Executive Director sent out an identical “reminder” e-mail the next day, March 22, at 10:02 a.m.

6. One of the recipients of the e-mails regarding the in-person meeting and then the conference call to discuss the redistricting suit was John Doe, who was receiving e-mails from the DPV on behalf of the Democratic delegate whose campaign he had managed.

7. On Friday, March 22, 2002, John Doe called Jane Doe and provided to her the telephone number and access code for the Democratic conference call. Jane Doe then provided the number and code to MATRICARDI.

Interception

8. On or about the afternoon of March 22, 2002, in Richmond, Virginia, in the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully intercept and endeavor to intercept a wire communication, in that, using his telephone at RPV Headquarters in Richmond, Virginia, he used the access code and called in to an interstate conference call of the members of the Democratic Party of Virginia, and, without disclosing that he was on the line, secretly listened for approximately two and one-half hours and recorded the call on a tape recorder.

(In violation of Title 18, United States Code, Section 2511(1)(a).)

COUNT TWO

_____(Disclosure of the Contents of a Wire Communication)

9. The allegations in paragraphs 1 through 7 of this Indictment are repeated.

10. On or about March 23, 2002, in Richmond, Virginia, within the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully disclose the contents of a wire communication, knowing and having reason to know that the information was obtained through an interception of a wire communication that was in violation of Title 18, United States Code, Section 2511(1), in that MATRICARDI played a portion of his tape recording of the intercepted March 22 Democratic conference call for an Official of the Office of the Attorney General, and provided the Official with a transcript of the call.

(In violation of Title 18, United States Code, Section 2511(1)(c).)

COUNT THREE

(Disclosure of the Contents of a Wire Communication)

11. The allegations in paragraphs 1 through 7 of this Indictment are repeated.

12. On or about the morning of March 25, 2002, in Richmond, Virginia, within the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully disclose the contents of a wire communication, knowing and having reason to know that the information was obtained through an interception of a wire communication that was in violation of Title 18, United States Code, Section 2511(1), in

that he disclosed the contents of the intercepted March 22 Democratic conference call to a Republican legislator and his Chief of Staff.

(In violation of Title 18, United States Code, Section 2511(1)(c).)

COUNT FOUR

(Interception of Wire Communication)

13. The allegations in paragraphs 1 through 7 of this Indictment are repeated.

14. On or about the afternoon of March 25, 2002, in Richmond, Virginia, in the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully intercept and endeavor to intercept a wire communication, in that, using his telephone at RPV Headquarters in Richmond, Virginia, he used the access code and called in to an interstate conference call of the Democratic Party of Virginia, and, without disclosing he was on the line, secretly listened for approximately two hours.

(In violation of Title 18, United States Code, Section 2511(1)(a).)

COUNT FIVE

(Interception of Wire Communication)

15. The allegations in paragraphs 1 through 7 of this Indictment are repeated.

16. On or about March 25, 2002, EDMUND A. MATRICARDI, III, provided the access code to the Democratic conference call to the Chief of Staff for a Republican Legislator, so that she could also secretly listen to the call.

17. On or about March 25, 2002, in Richmond, Virginia, within the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully aid and abet the Chief of Staff for a Republican legislator to

intentionally intercept and endeavor to intercept a wire communication, in that, using a cellular telephone the Chief of Staff used the access code and called in to an interstate conference call of the Democratic Party of Virginia, and, without disclosing her presence on the line, secretly listened to the call.

(In violation of Title 18, United States Code, Sections 2511(1)(a) and 2.)

A TRUE BILL:

FOREPERSON

PAUL J. McNULTY
UNITED STATES ATTORNEY

By: _____
David T. Maguire
Assistant United States Attorney

Stephen W. Miller
Assistant United States Attorney